

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MATTHEW S. GILLETTE,

Plaintiff,

v.

PATRICK R. DONAHOE,

Defendant.

CIVIL ACTION NO. 3:12-CV-1852

(JUDGE CAPUTO)

ORDER

NOW, this 14th day of May, 2013, **IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss (Doc. 6) is **GRANTED** as follows:

- (1) Plaintiff's age and disability retaliation claims (Count I) are **DISMISSED WITH PREJUDICE**.
- (2) Plaintiff's request for punitive damages (Count III) is **DISMISSED WITH PREJUDICE**.
- (3) Plaintiff's disability discrimination claim (Count III) is **DISMISSED WITHOUT PREJUDICE**.
- (4) Plaintiff has **twenty-one (21) days** from the date of entry of this Order to file an amended pleading and properly plead his disability discrimination claim. If he fails to do so, the action will be dismissed with prejudice and the case will be closed.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge